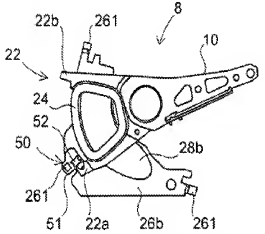
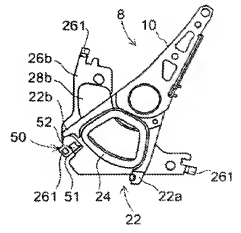
REMARKS/ARGUMENTS

Claims 1, 14, and 27 are amended by entry of this response. No claims are canceled or added. Accordingly, following entry of these amendments and remarks, claims 1, 3-5, 10-12, 14, 16-18, 23-25, and 27 will remain pending for examination.

Embodiments of the present invention generally relate to a magnetic disk drive. Specifically, as shown and described in connection with Figures 1(a) and 1(b) (reproduced from respectively below), certain embodiments disclose an elastic stopper member (51) configured to absorb shock upon abutment against either a first arm or a second arm of an actuator assembly:





> [r]ubber **51** as an elastic member is cantilevered by a support rod so as to undergo a moment of force and absorb a shock for the purpose of restricting an excessive movement of the actuator assembly **8** to the inner or the outer side upon abutment against the first arm **22a** or the second arm **22b** of the coil support **22**. (Emphasis added; **¶[0052]**)

Accordingly, independent claim 1 has been amended to describe this feature:

> 1. A rotary disk storage device comprising:
> …a stopper including an elastic member, said elastic member being cantilevered by a support rod and with a magnetic material embedded therein for attracting said actuator assembly, wherein, when either said first arm or said second arm of said actuator assembly comes into abutment against said elastic member, the elastic member undergoes a moment of force so as to restrict an excessive movement of said actuator assembly… (Emphasis added)

Independent claims 14 and 27 have also been amended to recite this feature.

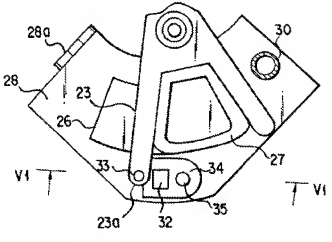
In the latest Office Action, the Examiner rejected the claims as anticipated based upon U.S. Patent No. 5,729, 405 to Isomura et al. ("the Isomura Patent"). These claim rejections are traversed as follows.

As a threshold matter, the Examiner is respectfully reminded that certain claims stand rejected as anticipated, and not merely obvious, in view of the Isomura Patent:

> [t]he distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (Emphasis added; MPEP 706.02)

Here, the Isomura Patent fails to teach explicitly or impliedly, an elastic member configured to absorb shock upon abutment with either a first arm or a second arm of an actuator assembly.

Specifically, the Isomura Patent relates to a lock mechanism for locking a carriage of a magnetic disk drive in a stop position (See Abstract). Specifically, as shown and described in connection with Figure 5 (reproduced below), an elastic member (34) is configured to abut an attraction pin (33) and face a chip magnet (32):

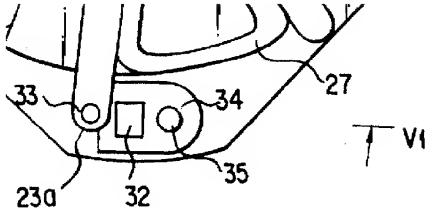


> When the carriage **23** is rotated to a stop position,...the attraction pin **33**, which is fixed to the one end portion **23a** of the carriage **23**, abuts against the elastic member **34**, and faces the chip magnet **32** across the predetermined gap G defined by the elastic member **34**. (Emphasis added; Col. 5, lines 50-55)

The Isomura Patent thus describes an elastic member (35) configured to abut an attraction pin (33) fixed to one end of a carriage (23).

By contrast, embodiments of the present invention provide an elastic member configured to abut either a first arm or second arm of an actuator assembly. Such a configuration is not explicitly disclosed by the Isomura patent, since elastic member (35) of the Isomura Patent is only configured to abut one side of carriage (23).

Moreover, such a teaching cannot even be implied by the Isomura Patent. Figure 5 of the Isomura Patent is reproduced in part below:



Specifically, the opposite side of the end portion (23a) does not include an attraction pin for facing (attracting) chip magnet (32) of elastic member (34). Further, chip magnet (32) and attraction pin (33) are used to lock the carriage in a stop position:

> [t]he pin 33 is attracted by the magnetic force of the magnet 32, so that the carriage 23 is locked in the stop position... (Emphasis added; Col. 5, lines 56-59)

Therefore, since an attraction pin is not included on the opposite side of end portion (23a), in the case of the opposite side coming into contact with the elastic member (34), the elastic member (34) would be unable to achieve the object of the Isomura Patent. i.e. to hold the carriage in a stop position using magnetic attraction forces.

Moreover, pin (35) of elastic member(34) would prevent the opposite side of end portion (23a) from reaching chip magnet (32), as pin (35) is shown on the right side of the chip magnet (32), thereby failing to secure the carriage as intended by the Isomura Patent. In short, the elastic member of the Isomura Patent is not configured to absorb shock upon abutment from either a first arm or second arm of an actuator assembly.

Based upon the failure of the Isomura Patent to teach each and every element of the independent claims explicitly or even impliedly, it is respectfully asserted that these claims cannot be considered anticipated by the art relied upon by the Examiner. Continued maintenance of the anticipation claim rejection is improper, and these claim rejections should be withdrawn.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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